REMARKS/ARGUMENTS

These remarks are made in response to the final Office Action of August 4, 2008 (hereinafter Office Action). As this response is timely filed within the three-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951.

Claims Rejections – 35 USC § 103

In the Office Action, Claims 1, 3-11, 13-19, and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,263,064 to O'Neal, *et al.* (hereinafter O'Neal) in view of U.S. Patent 6,631,186 to Adams, *et al.* (hereinafter Adams), and further in view of U.S. Patent 6,697,473 to Batten (hereinafter Batten) and U.S. Patent 5,436,963 to Fitzpatrick, *et al.* (hereinafter Fitzpatrick).

Although Applicants respectfully disagree with the rejections, Applicants have amended Claim 1. Applicants have cancelled Claims 2-8 and 11-20. However, Applicants are not conceding that the remaining claims as originally formulated or the cancelled claims fail to present patentable subject matter. The amendments and cancellations are solely for the purpose of expediting prosecution. Accordingly, neither the amendments nor cancellations should be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

Aspects of Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a method for facilitating message delivery and conferencing within a

communications system having multiple communications channels using multiple media types.

The method can include registering with the communications system a plurality of reception states established by a receiving party. Each of the reception states specifies reception state data that comprises a plurality of rules for establishing a communications link with one or more receiving party addresses. The rules define one or more categories of messages based on a nature of each message, a time at which the receiving party prefers to receive delivery of the messages in each of the categories, a communication channel through which the receiving party prefers to receive delivery of the messages in each of the categories, and a receiving party address associated with the communication channel at which the receiving party prefers to receive delivery of the messages in each of the categories. For at least one of the reception states the defined communication channel is different from a communication channel associated with a first communications link initiated by a sending party. The nature of each message is determined taking into consideration criteria including a purpose of the message and an identity of the sending party.

The method can also include initiating the first communications link by a sending party; identifying an identity of the receiving party, an identity of the sending party, a receiving party address, and a sending party address from the first initiated communications link; classifying a message from the sending party sent via the first initiated communications link into one of the categories; determining and retrieving contextually relevant reception state data from the registered plurality of reception states according to the identity of the receiving party, the identity of the sending party, the receiving party address, the sending party address, the category of the message of the sending party, a time of the first initiated communications link, and the communications channel over which the first initiated communications link is to be established; and presenting the retrieved contextually relevant reception state data to the sending party via

the communication channel associated with the first initiated communications link. The reception state data is presented in a form compatible with a device of the sending party making the first initiated communications link and the reception state data is presented according to a context of the communication.

The method can further include interpreting the received reception state data by the sending party; instructing the communications system by the sending party to proceed with at least one of the following: completing the first initiated communications link, terminating the first initiated communications link, initiating a second communications link to a different receiving party address using the same communications channel as the first initiated communication link, and initiating a second communications link using a communications channel different from the communications channel of the first initiated communications link; and processing said first initiated communications link based on the instructions from the sending party.

See, e.g., Specification, page 9, line 3 to page 13, line 12; see also Figs. 2-3.

The Claims Define Over The Prior Art

The present invention provides a method for facilitating message delivery and conferencing within a communications system. In particular, the present invention allows a receiving party to specify a set of rules referred to as reception state data. The reception state data includes the receiving party's preferences regarding the receipt of messages and communications over various communications channels. When a sending party initiates a communications link with the receiving party, the sending party can be presented with relevant reception state data associated with the receiving party. Using the reception state data, the sending party then can determine whether to proceed with the communication, to try again at a later time, or to try an alternate communication channel or delivery address. See page 6, lines 2-11 of the Specification.

O'Neal discloses a computer-implemented control center for permitting a subscriber of a plurality of communication services of a unified messaging system to

customize communication options pertaining to the communication services through either a telephony-centric network using a telephone or a data-centric network using a display terminal. The computer implemented control center includes a subscriber communication profile database having therein an account pertaining to the subscriber. The account includes the communication options for the subscriber. The communication options include parameters associated with individual ones of the communication services and routings among the communication services. T here is also included a computer server coupled to exchange data with the subscriber communication profile database. The computer server is configured to visually display the communication options on the display terminal when the subscriber employs the display terminal to access the computer-implemented control center through the data-centric network. The computer server is also configured to receive from the subscriber via the display terminal a first change to the communication options and to update the first change to the account in the subscriber communication profile database. There is also included a telephony server coupled to exchange data with the communication profile database. The telephony server is configured to audibly represent the communication options to the telephone when the subscriber employs the telephone to access the computer-implemented control center. The telephony server is also configured to receive from the subscriber via the telephone a second change to the communication options and to update the second change to the account in the subscriber communication profile database. See the Abstract.

Fig. 3 of O'Neal shows an embodiment of a user-interface for an exemplary computer-implemented control center, representing the visual display panel for displaying the communication options pertaining to a particular subscriber on a computer display screen. Through computer-implemented control center 302, the user may quickly and conveniently review the communication option settings associated with the various services and make changes thereto. That is, the computer-implemented control center

302 serves as the centralized control panel for reviewing and/or customizing the communication options associated with the various communication services. FIG. 4 of O'Neal illustrates aspects of computer-implemented control center 302 in greater detail. See col. 11, lines 37-50 of O'Neal.

However, Applicants believe that the communication options as shown and described in O'Neal are different from the reception states in the sense of the present invention. In the present invention, the reception states specify reception state data that comprise a plurality of rules for establishing a communications link with one or more receiving party addresses, wherein the rules define (1) one or more categories of messages based on a nature of each message, (2) a time at which the receiving party prefers to receive delivery of the messages in each of the categories, (3) a communication channel through which the receiving party prefers to receive delivery of the messages in each of the categories, and (4) a receiving party address associated with the communication channel at which the receiving party prefers to receive delivery of the messages in each of the categories. It is noted that in O'Neal the communication options do not differ for different categories of messages. In other words, in O'Neal once the communication options have been selected, those options will apply to all messages received, regardless what categories (personal, emergency personal, emergency business, etc) of messages they belong. In contrast, in the present invention, the time at which the receiving party prefers to receive delivery of the message, the communication channel through which the receiving party prefers to receive delivery of the message, and the receiving party address associated with the communication channel at which the receiving party prefers to receive delivery of the message all depend on the category of the message received. Adams discloses using a priority screening list to block certain calling numbers. Batten teaches an automated personalized telephone management system that handles calls based on not only caller identifications but also based on whether a call is an emergency or not. Fitzpatrick discloses using an electronic calendar

to enable automatic routing of incoming calls. However, none of Adams, Batten, and Fitzpatrick discloses that the time at which the receiving party prefers to receive delivery of the message, the communication channel through which the receiving party prefers to receive delivery of the message, and the receiving party address associated with the communication channel at which the receiving party prefers to receive delivery of the message are defined based on the categories of the messages received, as in the present invention. In fact, Adams, Batten, and Fitzpatrick only disclose a single communication channel, namely a telephone communication channel. Therefore, it is not possible for Adams or Batten or Fitzpatrick to define which communication channel to use based on the categories of the received messages.

Applicants also believe that none of the cited references discloses determining and retrieving contextually relevant reception state data from the registered plurality of reception states according to the identity of the receiving party, the identity of the sending party, the receiving party address, the sending party address, the category of the message of the sending party, a time of the first initiated communications link, and the communications channel over which the first initiated communications link is to be established, and presenting the retrieved contextually relevant reception state data to the sending party via the communication channel associated with the first initiated communications link, as recited in Claim 1 of the instant application.

Applicants further believe that none of the cited references discloses interpreting the received reception state data by the sending party; and instructing the communications system by the sending party to proceed with at least one of the following: completing the first initiated communications link, terminating the first initiated communications link, initiating a second communications link to a different receiving party address using the same communications channel as the first initiated communication link, and initiating a second communications link using a

communications channel different from the communications channel of the first initiated communications link, as recited in Claim 1 of the instant application.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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